

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. **2013-893**

13 **SALIM BIN SULEIMAN**

STATEMENT OF ISSUES

14 Applicant/Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Statement of Issues solely in
18 her official capacity as the Executive Officer of the Board of Registered Nursing (Board),
19 Department of Consumer Affairs.

20 2. On or about March 28, 2012, the Board received an application for licensure by
21 examination as a registered nurse from Salim Bin Suleiman (Respondent). On or about March
22 25, 2012, Respondent certified under penalty of perjury to the truthfulness of all statements,
23 answers, and representations in the application. The Board denied the application on June 12,
24 2012.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

4. Code section 480 states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.

///

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

///

1 7. Section 2765 of the Code states:

2 A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
3 charge substantially related to the qualifications, functions and duties of a registered nurse is
4 deemed to be a conviction within the meaning of this article. The board may order the license or
5 certificate suspended or revoked, or may decline to issue a license or certificate, when the time
6 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an
7 order granting probation is made suspending the imposition of sentence, irrespective of a
8 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person
9 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
10 of guilty, or dismissing the accusation, information or indictment.

11 FIRST CAUSE FOR DENIAL OF APPLICATION

12 (Criminal Convictions)

13 8. Respondent's application is subject to denial under Code sections 480(a)(1) and
14 2761(f) in that he has been convicted of crimes substantially related to the qualifications,
15 functions or duties of a registered nurse. The circumstances are as follows:

- 16 a. On or about October 16, 1998, in San Francisco Superior Court, case number 172786,
17 Respondent was convicted of two counts of having violated California Health and
18 Safety Code section 11351.5 (possession of rock cocaine for sale), a felony.
19 Respondent was sentenced on or about December 10, 1998. The conviction arose from
20 three incidents which occurred in 1997, during which police officers observed
21 Respondent possessing and selling rock cocaine.
- 22 b. On or about March 5, 2004, in San Francisco Superior Court, case number 191373-02,
23 Respondent was convicted of having violated California Health and Safety Code section
24 11351.5 (possession of rock cocaine for sale), a felony. Respondent was sentenced on
25 or about March 26, 2004. The conviction arose from an incident which occurred on or
26 about October 7, 2003, during which police officers observed Respondent participate in
27 sales of rock cocaine.

28 ///

1 SECOND CAUSE FOR DENIAL OF APPLICATION

2 (Convictions Involving Possession of Controlled Substances)

3 9. Respondent's application is subject to denial under Code sections 480(a)(3) and
4 2762(c) in that he has been convicted of crimes involving the possession of controlled substances,
5 as set forth above in paragraph 8, above.

6 THIRD CAUSE FOR DENIAL OF APPLICATION

7 (Unlawful Possession of Controlled Substances)

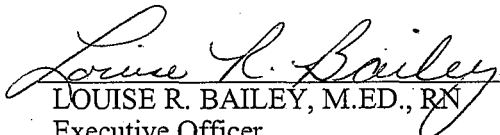
8 10. Respondent's application is subject to denial under Code sections 480(a)(3) and
9 2762(a) in that he unlawfully possessed controlled substances and furnished them to other
10 persons, as set forth in paragraph 8, above.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Denying the application of Salim Bin Suleiman for licensure as a registered nurse;
15 2. Taking such other and further action as deemed necessary and proper.

16
17 DATED: APRIL 9, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

18
19
20
21 SF2012402305
22 40646728.doc
23
24
25
26
27
28